

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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Attorneys for Defendant Miele USA, Inc.

DAISY MONTICH, individually and on behalf
of all other similarly situated,

Plaintiff,

v.

MIELE USA, INC.,

Defendant.

Civil Action No. 3:11-cv-02725-MAS-DEA

NOTICE OF MOTION

TO: James E. Cecchi, Esquire
Carella, Byrne, Cecchi,
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Attorneys for Plaintiff

PLEASE TAKE NOTICE that on March 18, 2013 at 10:00 am, or as soon
thereafter as counsel may be heard, the undersigned attorneys for Defendant, Miele USA, Inc.
("Defendant"), shall move before the Honorable Michael A. Shipp, United States District Judge,
at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608,
for an Order Dismissing With Prejudice Counts I, II, and IV of Plaintiff's Second Amended
Class Action Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b).

PLEASE TAKE FURTHER NOTICE that the undersigned will rely upon the accompanying Brief in Support of Motion and Declaration (with attached exhibits).

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

A proposed form of Order is attached.

DATED: February 11, 2013

Respectfully submitted,

/s/ Christopher N. Tomlin

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